

NOTE: CHANGES MADE BY THE COURT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

STEPHEN PERRY, an individual,

Plaintiff

v.

PHIL BROWN, an individual; and
DOES 1 through 10, inclusive,

Defendants

Case No.: 2:18-cv-9543

**ORDER TO SHOW CAUSE
FOR A PRELIMINARY
INJUNCTION WITH
TEMPORARY RESTRAINING
ORDER**

Upon application of Plaintiff Stephen Perry ("Plaintiff") for (1) an order to show cause why the Court should not enter a preliminary injunction against Defendant Phil Brown prohibiting him from using (1) using Plaintiff's registered "Steve Perry" mark, name, likeness or identity to promote Defendant, Defendant's band, or Defendant's music, and (2) releasing vocal performances of Plaintiff that were recorded in Defendant's home in the early 1990s or at any other time, and (2) a temporary restraining order against such acts;

And having read and considered the papers submitted by Plaintiff in support of such application, including the First Amended Complaint, the declarations of Plaintiff

1 and Plaintiff's counsel, the Memorandum of Law in support of the requested relief,
2 wherein it is alleged that Plaintiff will be irreparably harmed absent the relief sought
3 herein, and good cause being shown therefor, the Court hereby rules as follows:

4 **ORDER TO SHOW CAUSE**

5 **IT IS ORDERED THAT** Defendant show cause why the Preliminary
6 Injunction requested in Plaintiff's moving papers should not be entered as an Order
7 and remain in full force and effect until the entry of Final Judgment in this civil action:

8 1. Enjoining Defendant and all persons acting in Defendant's behalf from
9 using "Steve Perry," the likeness of Steve Perry, any confusingly similar variant of
10 the foregoing, or any other aspect of the name, voice, likeness, or other indicia of
11 identity of Plaintiff Stephen Perry to promote Defendant, Defendant's music,
12 Defendant's musical group "Apaches from Paris," Defendant's announced
13 upcoming musical album, Defendant's business, or in any other manner infringing
14 Plaintiff's trademarks, rights of publicity and other rights; and

15 2. Enjoining Defendant and all persons acting in Defendant's behalf from
16 releasing, posting, publishing, or in any other manner making public any vocal
17 performances of Plaintiff Stephen Perry recorded at Defendant's home in the early
18 1990s or at any other time;

19 3. Granting Plaintiff such other relief as the Court may deem just and
20 proper.

21 The Court shall hear oral argument on Plaintiff's requested Preliminary
22 Injunction at 8:30 a.m., on **November 29, 2018**. Plaintiff shall personally serve this
23 Order and the Court's November 14, 2018 Standing Order on Defendant by
24 **November 17, 2018**. Plaintiff shall file proofs of service of this Order and the
25 Standing Order by **November 19, 2018**. Defendant shall file and serve an
26 Opposition on or before **November 23, 2018**. Plaintiff shall file and serve a Reply
27 on or before **November 26, 2018**.

28 **TEMPORARY RESTRAINING ORDER**

1 **IT IS FURTHER ORDERED THAT** pending a full hearing on the Order to
2 Show Cause, Defendant and managers, agents, servants, employees, and attorneys,
3 and all those acting in concert or participation with them who receive actual notice
4 of the Order by personal service or otherwise, are hereby **TEMPORARILY**
5 **RESTRAINED** from:

- 6 (1) Using the registered mark and name “Steve Perry,” the likeness of
7 Steve Perry, any confusingly similar variant of the foregoing, or any
8 other aspect of the mark, name, voice, likeness, or other indicia of
9 identity of Plaintiff Stephen Perry, to promote Defendant, Defendant’s
10 music, Defendant’s musical group “Apaches from Paris,” Defendant’s
11 announced upcoming musical album, business, or in any other manner
12 infringe Plaintiff’s trademarks, rights of publicity and other rights; and
13 (2) releasing, posting, publishing, or in any other manner making public
14 any vocal performances of Plaintiff Stephen Perry recorded at
15 Defendant’s home in the early 1990s or at any other time.

16 **BOND**

17 **IT IS FURTHER ORDERED THAT** Plaintiff shall not be required to post a
18 bond for the payment of such costs and damages as may be incurred or suffered by
19 any party who is found to have been wrongfully enjoined or restrained.

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21 Dated: November 15, 2018

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23 UNITED STATES DISTRICT JUDGE
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